

REMARKS

Applicants respectfully request reconsideration of the application in view of the following remarks.

Applicants disagree with the Examiner's view that the reissue oath/declaration is defective. Applicants file indicates that the required statements are indeed contained in the reissue declaration as filed. However, a review of the website of the Patent Office shows that a scanning error may have occurred at the Patent Office. Notably, the boxes that were checked on page 1 of the reissue declaration appear not clearly checked in the Patent Office's computer system. Accordingly, Applicants are refiling herewith the same reissue declaration that was originally filed together with the date-stamped filing receipt of March 23, 2004.

In addition, Applicants are providing a courtesy facsimile copy of the filing papers to the Examiner.

Notably, **at the bottom of page 1 of the Declaration there is a statement as follows:**

"I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all that apply)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

Patentee claimed less than he had the right to."

Thus, the a statement that the original patent to be wholly or partly inoperative or invalid by reason that the **"Patentee claimed less than he had the right to."** is provided.

Thus, the rejection under 35 U.S.C. 251 should be withdrawn.

Application No.: 10/714,475

Applicants submit that the present application is now in condition for allowance and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

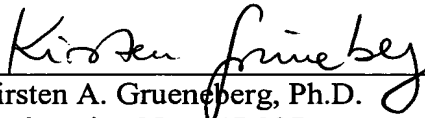
Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

NFO:KAG:


Kirsten A. Gruenberg, Ph.D.
Registration No.: 47,297